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Noreen Fabian
07/08/2004

PTO/SB/30 (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provides for continued examination of an utility or plant application
filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/938,039
Filing Date	08/23/2001
First Named Inventor	Karl W. Terry et al.
Group Art Unit	1712
Examiner Name	M. Zimmer
Attorney Docket Number	7124.015

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OFFICE OF PETITIONS

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☒ Other Form 1449 w/cited materials

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(l) required)
- b. ☐ Other _____

3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 04-1700
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☒ Other Information Disclosure Statement (37 C.F.R. 1.17(b))
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)	Douglas J. Sorocco	Registration No. (Attorney/Agent)	43,145
Signature		Date	

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence, on the date shown below, was HAND DELIVERED by Noreen Fabian to the United States Patent and Trademark Office.

Douglas J. Sorocco, Reg. No. 43,145
Name of applicant, assignee or
registered representative

Signature

July 8, 2004
Date

APPROVED

for

PTO DEPOSIT ACCOUNT CHARGE
ACCOUNT#04-1700

DUNLAP, CODDING & ROGERS, P.C.

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ON: July 8, 2004

PATENT
ATTY. DKT. NO. 7124.015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Karl W. Terry et al.

Serial No.: 09/938,039

Filed: August 23, 2001

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Group No.: 1712

Examiner: M. Zimmer

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OFFICE OF PETITIONS

For: COMPOSITION FOR PROVIDING AN ABRASION RESISTANT COATING ON
A SUBSTRATE WITH A MATCHED REFRACTIVE INDEX AND CONTROLLED
TINTABILITY

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR CONTINUED EXAMINATION (RCE)
(37 C.F.R. 1.114)**

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. §1.114, for the above-identified application.

Warning: 35 U.S.C. 132(b) and § 1.114 provide for the continued examination of an application and not examination of a continuing application. Accordingly, the Office will not permit an application to obtain continued examination on the basis of claims that are independent and distinct from the claims previously claimed and examined.

Warning: A continued examination request cannot be made if at least one office action under 35 U.S.C. 132 or a Notice of Allowance under 35 U.S.C. 161 has not been mailed. The provisions of 37 CFR 1.114 also do not apply (1) to a provisional application, an application for a utility or plant patent filed under 35 U.S.C. 111(a); (2) an international application filed under 35 U.S.C. 363 before June 8, 1995; (3) a patent under reexamination or (4) an application for a design patent. (37 CFR 1.114(d)).

Note: There is no limit to the number of times the fee for continued examination may be submitted. Notice of March 10, 2000.

Note: Unlike a continuation application, a continued examination request can utilize the mailing procedure of 37 CFR 1.8.

TIME REQUEST IS BEING MADE

2. This request is being submitted:
 - i. ☐ Prior to abandonment of the application
 - ii. ☒ Payment of the Issue Fee:
 - ☐ Prior to payment of the Issue Fee

- ☐ Issue Fee has been paid but a petition under §1.313 has been granted
- iii. ☐ Prior to a decision on appeal to the Board of Patent Appeals and Interferences
- ☐ A notice is being separate sent to the Board of Patent Appeals & Interferences that this Request for Continued Examination is being filed.

Note: If such a notice is not sent to the Board, then may refuse to vacate a decision rendered after the filing of the RCE but before recognition by the Office of the RCE request under § 146.

- iv. ☐ Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145 or ☐ Commencement of a civil action under 35 U.S.C. 146
- ☐ Prior to the filing of such appeal or commencement of civil action.
- ☐ Such appeal or commencement of civil action has been terminated.

ENCLOSURES

3. Enclosed herewith:

WARNING: If reply to a final or non-final Office Action under 35 U.S.C. 132 is outstanding, the submission must meet the reply requirements of § 1.111 37 C.F.R. § 1.114(b).

- ☒ Information Disclosure Statement (37 CFR § 1.98)
- ☒ Form PTO-1449
- ☐ Amendment
- ☐ New Arguments
- ☐ New evidence in support of patentability
- ☒ Other: _____ references consisting of _____ pages.

FEE FOR REQUEST

4. This application is on behalf of:

☐ Small Entity (and status is still as small entity) \$355.00

☒ Other than a small entity: \$750.00

Continued Prosecution Request Fee: \$750.00

NOTE: The fee for continued examination under § 1.114 (§ 1.17(e)) does not include additional claims fee.

The filing fee for a continued prosecution application filed under this paragraph is: (i) the basic filing fee as set forth in § 1.16; and any additional § 1.16 fee due based on the number of claims remaining in the application after entry of any amendment accompanying the request for an application under this paragraph and entry of any amendments under § 1.116 unentered in the prior application which Applicant has requested to be entered in the continued prosecution application.

FEE FOR CLAIMS

5. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

	CLAIMS AFTER RESPONSE	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	SMALL ENTITY ADDITIONAL RATE FEE	OTHER THAN SMALL ENTITY ADDITIONAL RATE FEE
TOTAL		20		X9 = \$00.00	X18 = \$
INDEP.		3		X40 = \$00.00	X80 = \$
PRESENTATION OF MULTIPLE DEP. CLAIM				X135 = \$00.00	X270 = \$
TOTAL ADDITIONAL FEE				\$00.00	\$00.00

☒ No additional fee is required

Or

☐ Total Additional Fee Required: \$ _____

EXTENSION OF TIME

6. Extension of Time

The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) apply.

- (a) ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked below. **PLEASE CONSIDER THIS A PETITION THEREFOR.**

EXTENSION FOR (Months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/> One month	\$110.00	\$55.00
<input type="checkbox"/> Two months	\$390.00	\$195.00
<input type="checkbox"/> Three months	\$890.00	\$445.00
<input type="checkbox"/> Four months	\$1,390.00	\$695.00

- ☐ An extension for _____ months has already been secured, and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request: \$_____

OR

- a. ☐ Applicant believes that no extension of time is required. However, this is a conditional petition and authorization to pay the necessary fees to provide for the possibility that Applicant inadvertently overlook the need for a petition and fee for extension of time.

TOTAL FEE(S) DUE

WARNING: The fee for continued examination under § 1.114 may not be deferred.

7. The total fee(s) is/are:

Continued Prosecution Fee (§ 1.17e)	\$ <u>750.00</u>
Fee(s) for additional claims (if any) (§ 1.16(b)-(d))	\$ _____
Extension of Time fee (if any) (§ 1.17(a)(1)-(4))	\$ _____
Information Disclosure Statement	\$ <u>180.00</u>

PAYMENT OF FEES DUE

8. Please pay the fee(s) for this continued examination application as follows:

- ☒ [X] The Commissioner is hereby authorized to charge \$750.00 to cover the Continued Prosecution fee to Deposit Account No. 04-1700.
- ☐ [] The Commissioner is hereby authorized to charge \$.00 to cover the fees for the additional claims to Deposit Account No. 04-1700.
- ☐ [] The Commissioner is hereby authorized to charge \$ _____ to cover the fee for the Extension of Time to Deposit Account No. 04-1700.
- ☒ [X] The Commissioner is hereby authorized to charge \$180.00 to cover the fee for the Information Disclosure Statement to Deposit Account No. 04-1700.
- ☒ [X] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 04-1700.

INVENTORSHIP

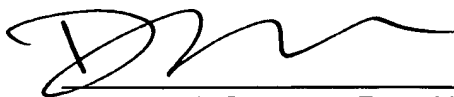
9. This Application as amended names as inventors:

- ☐ [] the same inventors as previously designated for the claims.
- ☐ [] fewer than the inventors previously designated and a statement accompanies this request for the deletion of the name or names of the

person or persons who are not inventors of the invention now being claimed.

☐ a person not named previously as an inventor and a petition under 37 CFR §1.48 is/has separately ☐ being filed ☐ been filed.

Respectfully submitted,



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